

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

AMERICAN ASSOCIATION OF
ANCILLARY BENEFITS, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et
al.*,

Defendants.

Case No. 4:24-cv-00783-SDJ

MOTION TO EXTEND STAY

This case has been stayed for the last three months, “to allow new agency leadership sufficient time to evaluate the government’s position in this case and determine how best to proceed.” ECF No. 66. The Court has ordered the federal government to “provide the Court with an advisory concerning the results of their evaluation of their position in this case and how the Government Defendants intend to proceed.” ECF No. 69.

In compliance with that order, Defendants inform the Court that they intend to revisit the rule challenged here in a new rulemaking to be conducted as soon as practicable. Given the many regulatory priorities competing for limited resources, Defendants cannot presently estimate when that rulemaking is likely to be completed. Defendants therefore respectfully request a further six-month stay of the case, until November 19, 2025. Defendants expect to be able to provide an estimated timeline for completion of the intended rulemaking before the expiration of that stay.

Plaintiffs oppose a further stay. In the event that a further stay is denied, Defendants respectfully request two weeks from the time of the Court's order to file a reply in support of their pending cross-motion for summary judgment.

A proposed order is attached.

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

MICHELLE R. BENNETT
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/s/ James Bickford
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Counsel for Defendants

Date: May 19, 2025

CERTIFICATE OF CONFERENCE

On May 15, 2025, I conferred by telephone with Dominick Lanzito, counsel for plaintiffs, regarding defendants' intention to seek a further stay of this case. Plaintiffs are opposed to a further stay.

/s/ James Bickford